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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/810,379 | 03/26/2004 | Laird Broadfield | PYX3051-US | 8624 |

43971 7590 08/10/2005

CARDINAL HEALTH
7000 CARDINAL PLACE
LEGAL DEPARTMENT - INTELLECTUAL PROPERTY
DUBLIN, OH 43017

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| EXAMINER |
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SHAPIRO, JEFFERY A

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| ART UNIT | PAPER NUMBER |
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3653

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/810,379 | Applicant(s) BROADFIELD ET AL. | |
| | Examiner Jeffrey A. Shapiro | Art Unit 3653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22, 24-33, 35-37, 39-43 and 45-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Zerhusen et al (US 2003/0052787 A1).

Zerhusen discloses a point of care system having a cabinet (100 or 370) with a secure compartment (140, 200 or 300), handles (126), a pylon assembly (see figure 8), docking assembly (2300) (see figures 144-147), computer (12), display (24), said terminal displaying clinical information and non-clinical information. See figures 132-143 and paragraphs 5 and 7, for example. See also paragraphs 8, 14, 15, 32, 86, 97, 112, 121, 122, 171-174, 177, 178, 186, 203, 208 and 211-218, for example. Figure 42 illustrates a touch screen. Figures 43, 56-63 and 132-143 illustrate both clinical and non-clinical information being displayed on a computer display. Figure 118 illustrates a wireless docking system (1100). Figures 125-128 illustrate various computer system functions such as order entry, pharmacy interaction (including inventory-note steps 1532, 1534, 1536 and 1538). Figure 129 illustrates a locating and tracking system (2005) connected to the rest of the system. Figures 144-147 illustrate various types of

docking systems for said wheeled cabinets.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zerhusen in view of Clark et al (US 4,671,728). Zerhusen discloses the point of care system described above. Zerhusen does not expressly disclose, but Clark discloses use of a foot pedal (16) to dock and undock a wheeled transport device (1) from a docking station (medical diagnostic apparatus (2)).

Both Zerhusen and Clark are considered analogous art because Zerhusen's point of care system connects with a dock, but does not specify the mechanism for doing so. See Zerhusen, paragraph (215). Clark presents the answer to this problem by presenting particulars of the docking and undocking means using a foot pedal for actuation. See Clark, col. 2, line 37-col. 3, line 10.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used a foot pedal actuated latch to latch and unlatch Zerhusen's cart from the docking pylon.

The suggestion/motivation would have been to provide precise docking to the pylon by the mating portions as well as to provide for safety by ensuring the latch is locked in its inoperative position, thereby preventing damage to either mating portions of

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the docking structure, as well as to quickly disconnect said docking structure. See Clark, col. 2, line 59-col. 3, line-10.

Note also that Clark mentions that either manual or automatic means can be used interchangeably to accomplish the dock latching and unlatching.

4. Claims 23, 34 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zerhusen in view of Hoshiden (JP08013873 A). Zerhusen discloses the point of care system described above. Zerhusen discloses latched compartments having lock mechanisms (246, 247, 252 and 264) which keep compartment (300) locked and covered when removed. See Zerhusen, paragraphs 96-98.

Zerhusen does not expressly disclose, but Hoshiden discloses using a wireless lock actuation device to unlock a locked device. See Hoshiden, title and abstract.

Both Zerhusen and Hoshiden are considered analogous art because Zerhusen's point of care system uses a locked container removable from its cart in a locked condition, but does not specify the mechanism for unlocking it. Clark presents the answer to this problem by teaching particulars of a wireless locking means. See Hoshiden, title and abstract.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used a wirelessly actuated latch to lock and unlock Zerhusen's container when removed from the cart.

The suggestion/motivation would have been to improve convenience. See Hoshiden, advantage section. Note also that one ordinarily skilled in the art would have

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found it obvious to open a locked compartment that has been removed from Zerhusen's cart so as to allow double-checking if medication is inside or not.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Phoon et al '732, Foster et al '651, Westbrooks, Jr. et al '915, Fuchs '917, Wang '183, Bishop '953, Pearce '976, Novak et al '412 and Boone et al '141 are all cited as examples of point of care systems with docking features.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571)272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jeffrey A. Shapiro
Examiner
Art Unit 3653

July 15, 2005



DONALD R. WALS!!
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600